

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: IMPELLIZZERI, Frederic

SERIAL NO.: 10/530,683

ART UNIT: 3733

FILED: September 02, 2005

EXAMINER: Hoffman, M. C.

TITLE: SELF-LOCKING OSTEOSYNTHESIS DEVICE

Amendment G: REMARKS

Upon entry of the present amendments, Claims 1 -18, 22, 24 and 27 have been previously canceled, and Claims 19-21, 23, 25-26 and 28 are currently pending. The independent Claims 19, 26, and 28 have been amended. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art.

In the Office Action, it was indicated that Claims 19-21, 23, 25 and 28 were rejected under 35 U.S.C. §112, first paragraph for failing to comply with the written description requirement. Claim 26 was rejected under 35 U.S.C. § 103(a) as being obvious over the Kummer patent in view of the Frigg patent.

The present Amendment has been filed with a Request for Continued Examination after the Advisory Action received in response to Amendment F of 16 July 2009.

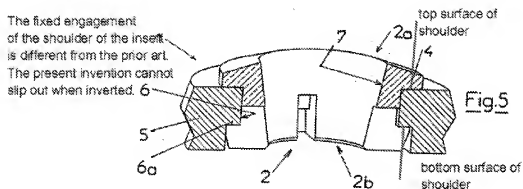
As an overview to the present reply, independent Claims 19, 26 and 28 have been re-presented with specific reference to the original disclosure. There is no new matter of the descriptions of the claim elements, and more specific guidance is provided herein.

With respect to the formality rejection of "constantly aligned", the term has been canceled and replaced as suggested by the Examiner with "fixed".

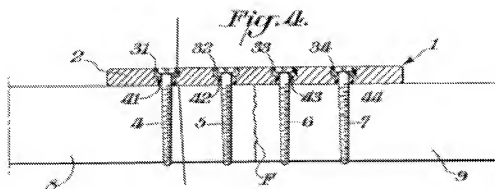
With respect to the new matter rejection of the term "uniform width" in Claim 19 and 28,

Applicant has canceled this confusing term. Instead the top and bottom shoulder attachment and extension above the top of the plate has been fully recited to distinguish the present invention from the prior art.

With respect to the obviousness rejection, Applicant has further specified "opposing surfaces" as the "top and bottom surfaces" in Claims 19, 26 and 28. Applicant was not referring to the left and right sides of the shoulder, but rather the top and bottom. Applicant apologizes if confusing illustrations were presented to hinder understanding of the invention.



Considering the markings. The opposing surfaces are the top and bottom of the shoulder. The prior art is significantly different.



From the Kummer patent, Figure 4, the indicators show that the shoulder is not engaged like the present invention. The opposing top and bottom surfaces of the shoulder are not engaged as recited in the claims of the present invention. The left and right surfaces the shoulder cited by the Examiner are not the subject matter of the claimed invention.

Additionally, Claim 26 has been amended to recite the cast molding placement of the insert in the holes. A strong connection between the metal and molded polymer is formed. The subject matter of this amendment is not new. The subject matter was found in Original Claim 6 and Paragraph [0034] of the specification.

Applicant respectfully contends that the application has been placed into a condition for allowance. The inventive features of the present invention have been present in the original drawings since the original filing. Applicant has diligently provided attempt after attempt to recite language deemed suitable by the Examiner. The inventive features have been in this application from the beginning, and Applicant has been open and willing to accept any concrete suggestions from the Examiner with respect to suitable language. Applicant respectfully contends that such language is now recited in the claim language.

Based upon the foregoing analysis, Applicant contends that independent Claims 19, 26 and 28 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

September 10, 2009

Date

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